

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRIAN KARL FREDERICK,

Defendant.

CR-12-79-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on June 29, 2017. (Doc. 61.) Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on June 22, 2017. (Doc. 61 at 2-3.) Frederick admitted that he violated the conditions of his supervised release. The violations prove serious and warrant revocation of Frederick's supervised release. Judge Johnston has recommended that the Court revoke Frederick's

supervised release and commit Frederick to the custody of the Bureau of Prisons for six months. *Id.* Judge Johnston further has recommended that no supervised release follow his custody period. *Id.*

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Frederick's violations of his conditions represent a serious breach of the Court's trust. A sentence custody of six months, followed by no supervised release, represents a sufficient, but not greater than necessary sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 61) is ADOPTED IN FULL.

IT IS FURTHER ORDERED that Defendant Brian Karl Frederick be sentenced to custody for six months, followed by no supervised release.

DATED this 14th day of July, 2017.



Brian Morris
United States District Court Judge